

Cross-Border Succession Disputes: Challenges of Conflict of Laws in Personal Status Matters

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Abstract

Cross-border succession conflicts are among the most difficult subfields of the private international law where nationality, domicile, and religion tend to overlap, creating competing legal claims to the same estate. These issues have been compounded by the globalization of family relationships, the rise in migration and transnational ownership of property and reveal the inefficiency of the current conflict-of-laws models in addressing the question of personal status. In this paper, the legal aspects of cross-border succession are analyzed with a further emphasis on defining the jurisdictional competency, law applicable, and recognition and application of foreign succession judgment. It is also a discussion of the conflict between secular and religious legal systems, especially in Muslim dominated jurisdiction such as in Pakistan where the personal status rules are usually based on religious law, thus creating some possible mean clash with foreign civil law systems. By providing a comparative study of the European Union rules, the English common law, and the Pakistani legal practices, the research paper reveals the discrepancies and suggests the ways of aligning the principle of the conflict-of-laws to provide fairness and predictability in a transnational inheritance dispute.

Keywords: Cross-border succession, Conflict of laws, Personal status, Domicile, Jurisdiction, Recognition of foreign judgments, Islamic inheritance law, EU Succession Regulation, Comparative law

1: Introduction

An international mobility of persons, globalization of family relations and diversification of ownership, across jurisdictions has also greatly complicated the legal space of the succession. Cross-border succession laws are the situations, when the assets of a deceased, his or her heirs or domicile of the deceased cross-boundaries of more than one legal system, each system trying to apply its own rules to the situation to decide who will inherit what. The resultant legal tangles usually bring in mixed verdicts, forum shopping and the confusion as to which law to use in the devolution of property. Specifically, where the personal status concerns such as marriage, legitimate or religion incline with the succession, courts are confronted with complex conflict of law questions that question the procedural and substantive justice (Viarengo, 2022a).

In traditional private international law, succession is determined by factors like domicile, habitual residence or nationality based on the legal tradition of the state in which the court is sitting. The

jurisdictions of civil law tend to place more emphasis on nationality as the unifying factor whereas common law jurisdictions tend to use domicile. Nonetheless, globalization has put all these differences in the shade because people are living in a world where they own property and live across many nations, where several laws have the potential to be valid and, therefore, applicable (Liakopoulos, 2022a). The lack of unified international standards also contributes to discrepancies in the fairness of the judicial systems and the procedural fairness.

The problems are even deeper in the situation involving personal status. Religious-based laws like Islamic law in Pakistan, are legal systems whose succession is directly related to the individual law based on religious doctrine. This practice is usually incompatible with secular legislation used in foreign courts, which leads to the occurrence of cases in which the rights of heirs vary regarding the court (M. S. Khan, 2024). The matters of public policy, *ordre public*, and peignage of a foreign judgment are, therefore, of critical concern in solving these controversies. It is a thorny dilemma that courts have to deal with by balancing comity among countries and adherence to home-based moral and religious standards (Kahn-Freund, 2024a).

The Brussels IV Regulation (European Union Succession Regulation, Regulation No. 650/2012), which is alternatively referred to as the Brussels IV Regulation, is a significant effort to harmonize the succession laws in the EU because it prescribes a single law to be applied, often that of the habitual residence of the deceased (Bonnet, 2021a). This has given certain clarity in the European scenario, but the small territorial area of the regulation has created a gap in the harmonization of the world. In the meantime, such countries as Pakistan still build on postcolonial principles determined by the Succession Act of 1925 and the Application of Muslim Personal Law (Shariat), 1962, which still uphold the difference between religious communities and are not well-equipped to handle transnational estates (J. Khan et al., 2022).

The paper will endeavor to discuss this intricate overlap of cross border succession and conflict-of-laws doctrines, focusing on the peculiar challenges which appear when the personal status issues religion, domicile and nationality come in the way of defining the right to inheritance. It seeks to discuss the changing jurisprudence and policy patterns across various jurisdictions and suggest possible models of greater consistency and reasonableness of cross-border inheritance disputes.

2: Conceptual Framework of Succession and Conflict of Laws

Succession is a legal procedure by which the rights and liabilities of the deceased are passed to his/her heirs or beneficiaries. It includes both testate succession, the deceased has made a valid will, and intestate succession, property is passed on through statutory or customary rules in the case of the absence of a will (Bonomi et al., 2023). The rules of succession tend to be well-defined and written in domestic legal systems, but where the estate or the successors are located in foreign locations, the issue of the law applicable to the dispute is brought to the forefront of solving the case. It is at this point that conflict of laws or rather the private international law comes into the limelight.

Conflict of laws refers to a subdivision of law, which identifies the legal standards that are to be applied to cases of foreign elements (Zumbansen, 2021). Under succession, conflict of laws regulates three critical areas: (1) jurisdiction - what court has the power to rule on the matter; (2) choice of law - what substantive law should apply to the succession; and (3) recognition and enforcement - whether an alien judgment or grant of probate will be recognised and enforced in a foreign jurisdiction (Kramberger Škerl, 2021). The principle that guides the determination in these cases is by establishing the connecting factor which links the deceased or the estate to a given legal system.

In the past, various legal traditions have used varying connecting factors. The legal systems based on the Napoleonic Code were known as civil law systems, which typically gave priority to the nationality of the deceased (*lex patriae*), but common law systems, especially those of English jurisdiction, gave domicile as the leading factor (Kahn-Freund, 2024b). The domicile doctrine involves the physical presence with an intention to live in a certain location permanently. However, in a more globalized setting where people tend to have houses, business, and relatives in more than one state, the issue of domicile is unclear, and the jurisdictions overlap and may be inconsistent.

In order to overcome these difficulties, new tools have been developed to standardizing choice-of-law by adopting habitual residence as the default connecting factor, as well as giving individuals the ability to pre-emptively commit themselves to law using a *professio juris* (Kahn-Freund, 2024b). This trend is a movement towards flexibility and autonomy in the jurisdiction of applicable law, but the impact is still limited to the European context. Contrarily, the still dependent countries like Pakistan still have their colonial inheritance legislation augmented by religious personal legislation under which Muslims, Hindus, and Christians are treated unequally (Saikhu, 2024a). The presence of both secular statutory laws and religious-based regulations creates a two-tiered system of succession, which makes it even more difficult to use conflict-of-laws principles to resolve cross-border disputes. In this way, the conceptual framework of cross-border succession is at the cross-road of jurisdictional competence, applicable law and recognition of foreign decisions, which are mediated by connecting factors, which differ within legal systems. This lack of an international convention to govern succession law alone, as is the case with the law of contract or law on tort, demonstrates the importance of harmonization and mutual recognition systems. Its deeper purpose is to maintain predictability, fairness and respect of the legitimate expectations of parties in various legal systems.

3: Determining Applicable Law in Cross-Border Succession

The issue of which law to apply is the key issue in any cross-border succession dispute. It does not only define the legal regime to be used in the allocation of the estate of a deceased but also in the validity of the wills, the competence of the heirs, and the principles of forced heirship or testamentary freedom (Viarengo, 2022b). This law is most difficult to identify when the personal property, house or nationality of the deceased is scattered across various jurisdictions, each asserting its competence by its own conflict-of-laws rule.

Domicile, habitual residence and nationality are three key connecting factors that historically have been employed to derive the law applicable under the private international law. Domicile has conventionally been the determinant applicable to common law jurisdictions, such as the United Kingdom, and colonies of Britain, such as Pakistan and India. According to this doctrine, movable property is treated under the law of the domicile of the deceased when he/she dies, whereas the immovable one is treated under the law of the location (*lex situs*) (Bonnet, 2021b). This separation of movables and immovables corresponds to the territorial character of the property law, but tends to dismember the estate by allocating property to various legal regimes.

Civil law systems, in contrast, are prone to the idea of nationality as the most important connecting factor, in which case the personal status, including the right to inheritance, is to be fixed to the law of the citizenship of a particular person (Lixinski & Morisset, 2024a). This method gives reliability and stability but might not take into account the actual social and economic attachment of the deceased to a different nation. Due to the fact that globalization has made residence and ownership increasingly fluid, the inflexibility of both domicile- and nationality-based systems has been further challenged.

The recent changes have attempted to alleviate these challenges; the concept of habitual residence has been proposed to be a more adaptable connecting factor. According to the EU Succession Regulation (No. 650/2012), the succession shall be applied in its entirety to the law of the habitual residence of the deceased at the time of her or his death regardless of the nature or location of the property (Kahn-Freund, 2024c). Nonetheless, party autonomy is also acknowledged in the Regulation by the *professio juris*, which allows persons to choose to have their estate governed by the law of their nationality. This two-fold system creates a balance between predictability and individual freedom and has been acclaimed to make succession planning much simpler among EU member states (Saikhu, 2024b).

Beyond the European Union, however, connecting factors are still most commonly based on traditional factors. Pakistan as an example uses the group of Muslim personal law to manage succession among Muslims using the Muslim Personal Law (Shariat) Application Act, 1962, but non-Muslims are governed by the Succession Act of 1925 (Saikhu, 2024b). The act adheres to the

principles of common law and the difference between movable and immovable property where the law of domicile governs the former and the law of *lex situs* governs the latter. This dual structure tends to produce discrepancies in situations where the properties of a deceased individual or heirs are situated in foreign jurisdictions particularly when one of the jurisdictions pursues a secular or civil law tradition.

The establishment of the law to apply in a cross border succession is therefore a sensitive venture in the compromise of rival concepts of territoriality, nationality, and personal autonomy. Although there has been some coherence in some regions brought about by the use of instruments like the EU Regulation, harmonization on a global scale is yet to be achieved. To deal with the long-standing ambiguity in the field, international scholars and practitioners are increasingly supporting a homogeneous convention on succession law, which can be achieved through the initiatives of international institutions like the Hague Conference on Private International Law (Szilagyi, 2021).

4: Jurisdictional Challenges and Recognition of Foreign Judgments

The most complex part of the cross-border succession issues is the decision which court is to be considered and whether the foreign judgment or the foreign grant of probate can be acknowledged and enforced. Due to the diversity of legal systems, as well as the difference in connecting factors and procedural doctrines, there is often a need to have claims of jurisdiction concurrently and inconsistent decisions (AHMEDI & ADEMI, 2023a). This theoretical division of jurisdiction does not only result in a slowing of the administration of the state but also fails to ensure the effective solution of law and the rights of the heirs.

Under common law jurisdiction, the courts tend to establish jurisdiction on the case, regarding both the location of immovable property (*lex situs*) and the domicile or usual residence of the deceased at the time of death. The domicile of the deceased is used as a typical example of movable property jurisdiction, and immovable property consists of the jurisdiction of the court where the property is located (Lixinski & Morisset, 2024b). This distinction however turns out to be an issue when estates have both movable and immovable properties that are located in different countries. An example of this is where a Pakistani citizen, who is living in the United Kingdom, but has real estate in Pakistan, can be subject to conflicting claims by both jurisdictions, and each claims jurisdiction on the basis of various connecting principles.

The civil law jurisdictions tend to follow the unitary approach to jurisdiction, where only one court, often the country of nationality or usual residence of the deceased, administers the whole succession (Sagaert, 2024). This, which has been supported by EU Succession Regulation (No. 650/2012), provides courts of habitual residence to the deceased to have jurisdiction over all aspects of the succession, thus enhancing consistency and efficiency (Holliday, 2020). In addition to this, the Regulation permits the parties to choose the courts of the state in which the law of which was adopted by the deceased to regulate the succession, which has further increased party autonomy and predictability in cross-border conflicts.

Conversely, the status in Pakistan and other common law jurisdictions is still disjointed. The Succession Act of 1925 and other procedural acts that relate to succession are silent regarding transnational disputes on succession. The jurisdiction of Pakistani courts is mostly established by the place of location of property, and domestic laws of succession to foreign assets are discretionally recognized under the doctrine of comity (Saxena, 2020). Comity doctrine permits a foreign judgment to be given force by a domestic court in case the judgment was made by a competent court, but it must not violate the public policy and other principles of justice of the forum. Nonetheless, there are no bilateral or multilateral agreements on the mutual recognition of succession judgments, and so the enforcement is questionable and dependent on cases.

There is also a critical problem of the recognition of foreign wills and probate grants. Most jurisdictions have what is known as a foreign will in which an immovable property will is only valid when the formalities are met as defined in the law of the region where the property is located (Conteh, 2023a). Such territorial approach can regularly result in the partial recognition where a will lawful in

one state can be pronounced illegal in another state because of various formalities of the testament or because of the restrictions of the policy of a certain state. These discrepancies explain why there is an urgent requirement of standardization in procedure and uniform requirements when it comes to the identification of foreign probate instruments.

Lack of a common model similar to that of Hague Convention on the Form of Testamentary Dispositions (1961) with merely limited ratification does not help to eliminate uncertainty in non-EU jurisdictions (Dikovska, 2020). Therefore, transnational estates require individuals to frequently seek ad hoc legal counsel and several probate processes in various jurisdictions and thereby, resulting into higher costs and delays in distributing estates.

Finally, issues of jurisdiction and the unpredictable enforcement of foreign judgments are also among the greatest impediments to having an efficient and predictable system of cross-border succession. Law professors are now more urging the international community to collaborate with the help of The Hague Conference on the rule of law to develop and enforce a global tool that has the potential to promote mutual recognition, procedural justice and respect for secular and religious standards (Viarengo & Re, 2023a).

5: Personal Status Matters and Their Complications

Individual status issues, including religion, marriage, legitimacy and adoption are important in establishing the right to succession, especially in areas where family law is based on religious or customary norms. When applied to cross-border situations, these aspects often create complicated legal issues, with various legal regimes possibly establishing the personal status and ability to inherit as per different set of norms (Günes, 2023a). In case of the law of succession and the law of personal status, the collision of the law is not a mere technical question of bridging factors, but a question of cultural, moral and religious values.

In the Islamic law which is the basis of the succession rules in Pakistan and a number of other Muslim dominant nations, inheritance is just a part of the larger system of personal law. The inheritance is not a matter of personal choice but rather a set of Quranic portions which guarantee that some inheritors (in this case spouses, children and parents), have preset shares (Sheikh, 2024). This religious framework is automatically applied to Muslims irrespective of domicile and nationality and may not be easily ousted by foreign secular laws. This leads to the fact that Pakistani Muslim nationals dying domiciled in foreign jurisdictions or having foreign-based assets have a challenging time to balance the principles of Shariah inheritance with foreign-based succession regulations that might give more weight to testamentary freedom (Orakhelashvili, 2022a).

This religious and secular difference tends to result in the partiality of recognition of judgments or wills. An example is that a will that disinherits female heirs due to some interpretations of the Islamic law may be voided in the jurisdictions where the doctrine of gender equality is being applied as a matter of public policy (Lixinski & Morisset, 2024c). On the other hand, a will write in a Western nation where there is full freedom of testament may not be acknowledged under the Pakistani law in case it opposes the mandatory Shariah principles. Therefore, the factors of personal status, especially those based on a religion, presents both substantive and procedural problems in cross-border cases of inheritance.

There are more complications when it comes to interfaith marriages, adoption or legitimacy of heirs. The Pakistani law does not recognize non-Muslim spouses or adopted children as inheritors through the Shariah-based succession, and the civil law jurisdictions generally allow such relationships to be treated as inheritance (Saikhu, 2024c). In the same way, matters of legitimacy, in which the children born out of wedlock are recognized by one legal system, whilst those born out of wedlock are not, may yield contradictory decisions as to heirship. Such contradictions highlight the conflict between universally accepted human rights standards and inherited regimes based on religious beliefs.

The Succession Regulation (No. 650/2012) in the European Union purposely does not focus on any personal status and family relationship questions, as it understands that these issues are too closely tied to national and religious identity to agree at the EU level (Bonnet, 2021c). Nonetheless, this

omission continues to create law enforcement ambiguity, because cases with issues of both succession and family status all still involve the courts aligning piecemeal jurisdictional and substantive rules.

The two legal systems of Pakistan have a dual legal system, which is comprised of statutory and religious personal laws which is further complicated by the dualism of the legal system in Pakistan that is a combination of the Succession Act, 1925, and the Muslim Personal Law (Shariat) Application Act, 1962. It is necessary that in addition to which law to apply, courts need to understand whether the issue is in the law of personal or in the law of general succession (Tahir & Khalil, 2023). Such a variety of regimes complicates the realization of uniformity in cross-border cases especially in the case of foreign judgments founded on principles that do not correspond to the local religious norms.

After all, cross-border inheritance disputes are centred around the meeting of personal status and succession. The separation between the secular and religious legal tradition makes it difficult to apply similar principles and protect the recognition of foreign judgments. Although the cultural and religious diversity should be respected, the lack of the procedural processes of reconciliation of the differences is likely to lead to injustice or the fragmentation of the estate settlements. The legal changes that should be enacted in the future should thus be such that they embrace the harmonization requirement without compromising the cultural autonomy of the domestic legal systems (Conteh, 2023b).

6: Comparative Legal Approaches (EU, UK, Pakistan)

The way in which cross-border succession disputes are treated differs among jurisdictions due to differences in legal tradition, cultural precepts, and legal frameworks. Some of these differences can be seen through a comparative study of the European Union (EU), the United Kingdom (UK) and Pakistan, which give an insight into the challenges and possible solutions to aligning laws governing succession in cross-border situations.

European Union

Europe The EU Succession Regulation (No. 650/2012), also referred to as the Brussels IV Regulation, is the most extensive supranational effort to unify cross-border succession in Europe (Bonnet, 2021d). Its main principle is the fact that the habitual residence of the deceased is the most important connecting factor to find the law to resort to. The principle applies to any property, both movable and immovable, and attempts to limit the reduction of an estate through fragmentation. The Regulation also permits people to enjoy party autonomy by selecting the law of his or her nationality to regulate their succession, as long as such election is expressly achieved in a will or any other legal act (Liakopoulos, 2022b).

The EU regime also takes care of jurisdictional competence through the allowance of one court, often the one in the state of habitual residence, to deal with the whole succession, reducing overlapping actions in different courts. It also puts in place common rules on the recognition and enforcement of foreign judgments and grantees of probate between member states, which still leaves issues of personal status, including marriage, legitimacy, and adoption, to national laws, still creating residual conflicts (Wilderspin, 2020).

United Kingdom

In the United Kingdom, adhering to a tradition of common law, the domicile is the most important connecting factor. The common law concerning movable and immovable property applies the law of domicile of a deceased (at the time of death) and the law of location (*lex situs*), respectively (AHMEDI & ADEMI, 2023b). There is no codified approach to cross-border succession in the UK, as there is in the EU, but again, case law has over time-built principles regarding the recognition of foreign will and probate grants. In the UK courts, the doctrine of comity is applicable whereby they enforce foreign judgment, unless such judgments are against the domestic public policy (AHMEDI & ADEMI, 2023b).

The UK system also struggles with the personal status issues, especially on the issues of religious or

cultural inheritance regulations. As an example, courts can admit the validity of a religious will made abroad, but the validity of such dispositions is not as high in cases when they contravene statutory requirements on forced heirship or equality of heirs. The method is flexible but may bring about doubt and lengthy legal proceedings regarding case when an estate has assets in different jurisdictions.

Pakistan

Pakistan has a two-legal system of succession, which consists of secular statutory law and religious personal law. Succession Act, 1925 regulates the allocation of property of non-Muslims using the principles of common law like domicile and lex situs, and Muslims are governed by the Muslim Personal Law (Shariat) Application Act, 1962, which implements Quranic share of inheritance (Saikhu, 2024d).

Practically, cross-border estates are problematic to Pakistani courts. The foreign succession laws may apply to assets that are not within Pakistan, and this may contradict the mandatory religious rules. The discretionary recognition of foreign probate grants or wills is based on the comity principles, although they should not violate the public policy or the Shariah requirements (Viarengo & Re, 2023b). In contrast to the EU system, Pakistan does not have procedural frameworks to create unified jurisdiction or harmonized enforcement of foreign judgment and this in most cases leads to discontinuous litigation and slow administration of estates.

Comparative Observations

A comparative analysis demonstrates that:

1. The EU model provides the highest level of coherence, in terms of codified principles on the habitual residence, party autonomy and the recognition of foreign judgments, yet does not encompass personal status issues.
2. The UK model offers flexibility through domiciled based connecting factors and comity, but does not include statutory harmonization and therefore may have inconsistencies.
3. The dual system in Pakistan gets the country to be compliant in religious and cultural matters and gets complex in the cross-border situations, where foreign judgments are discretionally followed and the procedure is not uniform.

On the whole, although both systems have their strong points depending on the social and legal conditions in the country, the global harmonization is not as widespread. The EU experience (especially its principles on habitual residence, cohesion of jurisdiction and the acknowledgement of foreign grants) may guide attempts at reform of the Pakistani jurisdiction (and other jurisdictions) under the condition that the cultural and religious values are observed closely.

7: Recommendations

The multi-dimensional nature of cross-border succession cases, particularly those that are also linked to issues of personal status, requires a multi-tiered approach that encompasses legal harmonization efforts, international cooperation of the judicial system, and national reform. In the light of comparative analysis and judicial trends provided above, the following recommendations are to increase predictability, fairness, and efficiency in handling such disputes.

1. Adoption of a Unified Legal Framework for Cross-Border Succession

Pakistan and other non-EU jurisdictions must be thinking of coming up with an all-encompassing legislation based on the EU Succession Regulation (No. 650/2012) which provides explicit connecting factors like habitual residence and autonomy of the parties to choose a law to govern (Cohen, 2022). This would give more assurance on jurisdiction and law applied and minimize cases of conflict between home and foreign courts. The regional cooperation among the states of South Asia under the umbrella of SAARC or any other such intergovernmental bodies may develop such a structure to facilitate legal convergence in the cross border inheritance issues.

2. Recognition and Enforcement of Foreign Probate and Judgments

To ease the cross-border management of estates, the domestic laws, especially those in Pakistan, need to include the more specific provisions on the recognition of foreign wills, grants of probate, and

succession certificates (Orakhelashvili, 2022b). Nowadays, it is mostly a matter of judicial discretion and considerations related to the policy of the people, which makes it rather inconsistent. The introduction of a statutory mechanism that is analogous to the Foreign Judgments (Reciprocal Enforcement) Act 1933 of the UK may be provided, which will provide reciprocal recognition with selected states. This would create better judicial collaboration and minimize redundant court cases.

3. Clarifying the Interaction between Personal Law and Conflict of Laws

The constitutional ambiguity in cross-border succession in Pakistan is because of the dual legal framework, between non-Muslims and Muslims, that establishes ambiguity in the application of foreign law in opposition to the Islamic law on inheritance (Saikhu, 2024e). There is a need to provide a legislative clarification on the scope of the applicability of religious law and when the foreign succession laws may be established. The foreign succession principles can be implemented using a hybrid model of letting assets in a foreign country be governed by the principles of Shariah, and domestic property be governed by the religious and international principles.

4. Encouraging Testamentary Planning and Choice of Law Clauses

People holding multinational assets are to be defined as party autonomy exercisable by express wills clauses to choose the law (Mortensen & McKibbin, 2024). To avoid the uncertainty in the future, the legal practitioners and notaries ought to advise testators on the national law applicable to their succession. The registration of cross-border wills would become more open with the awareness campaigns and the reforms of the legal rules, especially in the embassies or consulates, and the validity would be guaranteed by the different jurisdictions.

5. Strengthening Judicial and Administrative Cooperation

Multilateral or bilateral treaties on judicial assistance on issues of succession may go a long way in alleviating administrative pressures. These can contain provisions on:

- The recognition of probate grants and succession certificates by each other;
- Exchange of information between wills and estates registries;
- International execution of inheritance taxes and settlements of the estate (Bonnet, 2021e). An example would be Pakistan, which can tap into the formal agreements with Gulf Cooperation Council (GCC) nations and the UK where the Pakistani expatriates have huge asset holdings.

6. Developing Capacity in Conflict of Laws and Comparative Succession Law

Lastly, capacity-building among the judges, lawyers and notaries in the sphere of the law of international relations is a major necessity. To help in the development of the knowledge of the comparative principles of domicile, habitual residence, and foreign judgment recognition, training programs and exchange of judges may be promoted. Specialized post-graduate degrees on family and succession law on the cross-border level should be established in universities and within bar councils so as to close the gaps between the local law and the international law (John et al., 2020).

Although the ultimate harmonization of succession laws is not attainable since various cultures, religions, and legal systems have different systems, the way to procedural harmonization and understanding is possible. States can do a great deal to improve the predictability of the outcome of transnational inheritance disputes by codification of clear connecting factors, institutionalization of judicial cooperation, and integration in personal law and contemporary conflict of laws principles.

Conclusion

One of the most complex cross-border succession conflicts are the intersections of the personal status and cultural identity and the private international law. The complexity is not only due to the dissimilarity between the laws of substantive inheritance but also because of the underlying contradiction between the legal systems which can be based on the traditions which are not similar: common law, civil law, and religious law. This conflict is particularly acute in situations where the estate of the dead cuts across a number of different jurisdictions, and each jurisdiction claims various types of connecting factors, including domicile, nationality, habitual residence, or the lex situs of property.

The comparison of the above sections shows that although global strategies are different, there are several similar problems that arise, namely; which law to apply, which jurisdiction to assert, which foreign judgment to acknowledge, and which personal status to consider. The codified model of the European Union provides procedural clarity and coherence by means of the habits of residence and recognition. The case-based approach of the United Kingdom is flexible and hence can be adapted to various situations but is not always predictable. The dual legal system in Pakistan is the result of its pluralistic nature: the statutory law on inheritance is balanced against the demands of the Islamic jurisprudence, but with this, there is lack of consistency in transnational estates as there are no harmonized recognition practices.

Such disputes cannot be effectively reconciled by simply reforming the laws, but by changing the attitude to harmonization and cooperation. An international perception of succession should shift to the respect of individual autonomy and law collective traditions. The gaps between systems may be addressed by making clear choice-of-law rules, mutual recognition of decisions and the establishment of cross-border cooperation of the judiciaries without undermining national or religious identities.

After all, cross border succession proceedings are based on the concept of fairness, so that heirs will get what they deserve, and that the intentions of the testator will be honored in any cross-border case. A partial harmonization is useful not only to the efficiency of administrations in a world that becomes more and more integrated but also to a larger purpose, the maintenance of legal certainty.

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